

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Intervet, Inc.

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

John W. Shaw (#3382)
YOUNG CONWAY STAGGATT & TAYLOR, LLP
The Brandywine Building
1009 West Street, 17th Floor
Wilmington, Delaware 19899-0391

DEFENDANTS

Merial Limited

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 620 Other Food & Drug Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine Product Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 510 Selective Service	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 520 Securities/Commodities/ Exchange	
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 890 Other Statutory Actions	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 891 Agricultural Acts	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 892 Economic Stabilization Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 447 Other Civil Rights	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 245 Tort Product Liability			<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 290 All Other Real Property			<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
			<input type="checkbox"/> 950 Constitutionality of State Statutes	
<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 872 Black Lung (923)		
<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 511 Habeas Corpus:	<input type="checkbox"/> 863 DIWC/DIWW (405(g))		
<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI		
<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))		
<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 873 Labor/Mgmt. Reporting & Disclosure Act		
<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 874 DIWC/DIWW (405(g))		
	<input type="checkbox"/> 447 Other Civil Rights	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410		
		<input type="checkbox"/> 876 HIA (1395ff)		
		<input type="checkbox"/> 877 Black Lung (923)		
		<input type="checkbox"/> 878 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 879 Other Labor Litigation		
		<input type="checkbox"/> 880 Taxes (U.S. Plaintiff or Defendant)		
		<input type="checkbox"/> 881 IRS—Third Party 26 USC 7609		
		<input type="checkbox"/> 882 Black Lung (923)		
		<input type="checkbox"/> 883 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 884 SSID Title XVI		
		<input type="checkbox"/> 885 RSI (405(g))		
		<input type="checkbox"/> 886 HIA (1395ff)		
		<input type="checkbox"/> 887 Black Lung (923)		
		<input type="checkbox"/> 888 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 889 Other Labor Litigation		
		<input type="checkbox"/> 890 Taxes (U.S. Plaintiff or Defendant)		
		<input type="checkbox"/> 891 IRS—Third Party 26 USC 7609		
		<input type="checkbox"/> 892 Black Lung (923)		
		<input type="checkbox"/> 893 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 894 SSID Title XVI		
		<input type="checkbox"/> 895 RSI (405(g))		
		<input type="checkbox"/> 896 HIA (1395ff)		
		<input type="checkbox"/> 897 Black Lung (923)		
		<input type="checkbox"/> 898 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 899 SSID Title XVI		
		<input type="checkbox"/> 900 RSI (405(g))		
		<input type="checkbox"/> 901 HIA (1395ff)		
		<input type="checkbox"/> 902 Black Lung (923)		
		<input type="checkbox"/> 903 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 904 SSID Title XVI		
		<input type="checkbox"/> 905 RSI (405(g))		
		<input type="checkbox"/> 906 HIA (1395ff)		
		<input type="checkbox"/> 907 Black Lung (923)		
		<input type="checkbox"/> 908 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 909 SSID Title XVI		
		<input type="checkbox"/> 910 RSI (405(g))		
		<input type="checkbox"/> 911 HIA (1395ff)		
		<input type="checkbox"/> 912 Black Lung (923)		
		<input type="checkbox"/> 913 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 914 SSID Title XVI		
		<input type="checkbox"/> 915 RSI (405(g))		
		<input type="checkbox"/> 916 HIA (1395ff)		
		<input type="checkbox"/> 917 Black Lung (923)		
		<input type="checkbox"/> 918 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 919 SSID Title XVI		
		<input type="checkbox"/> 920 RSI (405(g))		
		<input type="checkbox"/> 921 HIA (1395ff)		
		<input type="checkbox"/> 922 Black Lung (923)		
		<input type="checkbox"/> 923 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 924 SSID Title XVI		
		<input type="checkbox"/> 925 RSI (405(g))		
		<input type="checkbox"/> 926 HIA (1395ff)		
		<input type="checkbox"/> 927 Black Lung (923)		
		<input type="checkbox"/> 928 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 929 SSID Title XVI		
		<input type="checkbox"/> 930 RSI (405(g))		
		<input type="checkbox"/> 931 HIA (1395ff)		
		<input type="checkbox"/> 932 Black Lung (923)		
		<input type="checkbox"/> 933 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 934 SSID Title XVI		
		<input type="checkbox"/> 935 RSI (405(g))		
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		<input type="checkbox"/> 937 Black Lung (923)		
		<input type="checkbox"/> 938 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 939 SSID Title XVI		
		<input type="checkbox"/> 940 RSI (405(g))		
		<input type="checkbox"/> 941 HIA (1395ff)		
		<input type="checkbox"/> 942 Black Lung (923)		
		<input type="checkbox"/> 943 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 944 SSID Title XVI		
		<input type="checkbox"/> 945 RSI (405(g))		
		<input type="checkbox"/> 946 HIA (1395ff)		
		<input type="checkbox"/> 947 Black Lung (923)		
		<input type="checkbox"/> 948 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 949 SSID Title XVI		
		<input type="checkbox"/> 950 RSI (405(g))		
		<input type="checkbox"/> 951 HIA (1395ff)		
		<input type="checkbox"/> 952 Black Lung (923)		
		<input type="checkbox"/> 953 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 954 SSID Title XVI		
		<input type="checkbox"/> 955 RSI (405(g))		
		<input type="checkbox"/> 956 HIA (1395ff)		
		<input type="checkbox"/> 957 Black Lung (923)		
		<input type="checkbox"/> 958 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 959 SSID Title XVI		
		<input type="checkbox"/> 960 RSI (405(g))		
		<input type="checkbox"/> 961 HIA (1395ff)		
		<input type="checkbox"/> 962 Black Lung (923)		
		<input type="checkbox"/> 963 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 964 SSID Title XVI		
		<input type="checkbox"/> 965 RSI (405(g))		
		<input type="checkbox"/> 966 HIA (1395ff)		
		<input type="checkbox"/> 967 Black Lung (923)		
		<input type="checkbox"/> 968 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 969 SSID Title XVI		
		<input type="checkbox"/> 970 RSI (405(g))		
		<input type="checkbox"/> 971 HIA (1395ff)		
		<input type="checkbox"/> 972 Black Lung (923)		
		<input type="checkbox"/> 973 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 974 SSID Title XVI		
		<input type="checkbox"/> 975 RSI (405(g))		
		<input type="checkbox"/> 976 HIA (1395ff)		
		<input type="checkbox"/> 977 Black Lung (923)		
		<input type="checkbox"/> 978 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 979 SSID Title XVI		
		<input type="checkbox"/> 980 RSI (405(g))		
		<input type="checkbox"/> 981 HIA (1395ff)		
		<input type="checkbox"/> 982 Black Lung (923)		
		<input type="checkbox"/> 983 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 984 SSID Title XVI		
		<input type="checkbox"/> 985 RSI (405(g))		
		<input type="checkbox"/> 986 HIA (1395ff)		
		<input type="checkbox"/> 987 Black Lung (923)		
		<input type="checkbox"/> 988 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 989 SSID Title XVI		
		<input type="checkbox"/> 990 RSI (405(g))		
		<input type="checkbox"/> 991 HIA (1395ff)		
		<input type="checkbox"/> 992 Black Lung (923)		
		<input type="checkbox"/> 993 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 994 SSID Title XVI		
		<input type="checkbox"/> 995 RSI (405(g))		
		<input type="checkbox"/> 996 HIA (1395ff)		
		<input type="checkbox"/> 997 Black Lung (923)		
		<input type="checkbox"/> 998 DIWC/DIWW (405(g))		
		<input type="checkbox"/> 999 SSID Title XVI		
		<input type="checkbox"/> 1000 RSI (405(g))		

V. ORIGIN

(Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND S

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes NoVIII. RELATED CASE(S)
IF ANY

(See instructions):

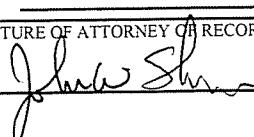
JUDGE

DOCKET NUMBER

DATE

12/23/05

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.